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2014 FEB 18 AM 10:38

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

BY: \_\_\_\_\_

Attorneys for Plaintiff,  
**BRIAN POIRIER**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**ED CV 14 - 00296 JGB SPX**

**BRIAN POIRIER,**  
Plaintiff,

vs.

**CMRE FINANCIAL SERVICES,  
INC.; and DOES 1 to 10, inclusive,**  
Defendants.

**Case No.:**

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

**(Unlawful Debt Collection Practices)**

**Demand Does Not Exceed \$10,000**

**COMPLAINT**

**INTRODUCTION**

1. Brian Poirier ("Plaintiff") brings this action to secure redress from CMRE Financial Services, Inc. ("Defendant") for violations of the Fair Debt Collection Practices Act (hereinafter "FDCPA"), 15 U.S.C. § 1692 and the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), Cal. Civ. Code § 1788. The FDCPA prohibits false or deceptive practices in connection with the collection of debts. The RFDCPA prohibits debt collectors from engaging in

1 abusive, deceptive and unfair practices in connection with the collection of  
2 consumer debts.

## 3 4 **II. JURISDICTION AND VENUE**

5 2. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1331 as  
6 Plaintiff's claims arise under the laws of the United States. Jurisdiction in this  
7 Court is also proper pursuant to 28 U.S.C. § 1367 as Plaintiff's RFDCPA claim is  
8 so related to Plaintiff's FDCPA claim that they form part of the same case or  
9 controversy under Article III of the United States Constitution.  
10

11  
12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)  
13 because the acts and transactions alleged in this Complaint occurred here,  
14 Plaintiff resides here, and Defendant transacts business here.  
15

## 16 **III. PARTIES**

17  
18 4. Plaintiff is a natural person who resides in the Wildomar, Riverside  
19 County, California 92595. Plaintiff is a natural person from whom a debt  
20 collector seeks to collect a consumer debt which is due and owing or alleged to  
21 be due and owing from such person. Thus, Plaintiff is a "consumer" as defined  
22 by the FDCPA, 15 U.S.C. § 1692(a)(3) and a "debtor" as defined by the  
23 RFDCPA, Cal. Civ. Code § 1788.2(h).  
24

25  
26 5. Defendant is a domestic corporation, headquartered at 3075 East  
27 Imperial Highway, Suite 200, Brea, California, 92821. Defendant's registered  
28

1 agent for service of process is Andrea L. Parr, 3075 East Imperial Highway, Suite  
2 200, Brea, California, 92821

3  
4 6. In the ordinary course of business, regularly, on behalf of itself or  
5 others, Defendant engages in debt collection and thus, Defendant is a "debt  
6 collector" as defined by the FDCPA, 15 U.S.C. § 1692(a)(6) and the RFDCPA,  
7 Cal. Civ. Code § 1788.2(c). Defendant regularly engages in the collection of  
8 debt by telephone in several states including, California.  
9

10  
11 7. The true names and capacities, whether individual, corporate, or in  
12 any other form, of Defendants DOES 1 through 10, inclusive, and each of them,  
13 are unknown to Plaintiff, who therefore sues them by such fictitious names.  
14  
15 Plaintiff will seek leave to amend this Complaint to show the true names and  
16 capacities of DOES 1 through 10 should they be discovered.  
17

#### 18 IV. FACTUAL ALLEGATIONS

19 8. Within one year prior to the filing of this action, Defendant contacted  
20 Plaintiff attempting to collect on an alleged obligation of a consumer to pay  
21 money arising out of a transaction in which the money, property, insurance or  
22 services, which are the subject of the transaction, are primarily for personal,  
23 family, or household purposes, whether or not such obligation has been reduced  
24 to judgment. Thus the "alleged debt" is a "debt" as defined by FDCPA 15 U.S.C.  
25  
26  
27  
28

1 § 1692(a)(5) and as a "consumer debt," as defined by RFDCPA, Cal. Civ. Code §  
2 1788.2(f).

3  
4 9. On or about March 13, 2013, Plaintiff received written  
5 correspondence from Defendant regarding an alleged debt, which Defendant  
6 attempt to collect and claimed was due and owing to Tri-City Medical Center.  
7  
8 The alleged debt is identified by account number 6001341728. A true and correct  
9 copy of that letter is attached hereto as "Exhibit A."

10  
11 10. On or about March 15, 2013, Plaintiff was called by Defendant's  
12 agent, who identified herself as a supervisor named Karri. During this  
13 conversation, Plaintiff notified Defendant that the alleged debt was paid in full  
14 and that there was no outstanding liability owed by Plaintiff, on the alleged debt.

15  
16 11. On or about March 15, 2013, Plaintiff requested that Defendant  
17 cease on all communications to Plaintiff.

18  
19 12. On or about March 22, 2013, GEHA, Plaintiff's secondary insurance  
20 carrier, notified Tri-City Medical Center that there was in fact no patient liability  
21 for the alleged debt. Thus, Plaintiff did not have a debt due and owing Tri-City  
22 Medical Center, when Defendant contacted Plaintiff attempting to collect the  
23 alleged debt. A true and correct copy of that letter is attached hereto as "Exhibit  
24 B."  
25  
26  
27  
28

1           13.    Within one year prior to the filing of this action, despite the fact that  
2 Defendant was put on notice that the alleged debt was not owed by Plaintiff and  
3 to cease contacting Plaintiff, Plaintiff received a total of ten (10) phone calls from  
4 Defendant.  
5

6           14.    On or about April 5, 2013, Defendant called Plaintiff. During this  
7 conversation, Plaintiff notified Defendant on a second occasion to cease  
8 contacting Plaintiff, as the debt was not due and owing. Defendant proceeded to  
9 contact Plaintiff five (5) additional times, after the second notice to cease was  
10 given.  
11

12           15.    Defendant's conduct as described in detail above was done to  
13 harass, oppress, or abuse Plaintiff.  
14

15           16.    Defendant's conduct as described in detail above amounted to an  
16 unfair or unconscionable means to collect or attempt to collect the alleged debt.  
17

18  
19                   **V.    FIRST CAUSE OF ACTION**

20                   **(Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692)**

21           17.    Plaintiff incorporates by reference all of the above paragraphs of this  
22 Complaint as though fully stated herein.  
23

24           18.    Defendant violated the FDCPA. Defendant's violations include, but  
25 are not limited to, the following:  
26  
27  
28

1 (a) Defendant violated 15 U.S.C. § 1692(d) by using conduct the  
2 natural consequence of which was to harass, oppress, or abuse the Plaintiff;

3 (b) Defendant violated 15 U.S.C. § 1692(e) by using false, deceptive,  
4 or misleading representation or means in connection with the collection of the  
5 alleged debt;  
6

7 (c) Defendant violated 15 U.S.C. § 1692(e)(2) by misrepresenting the  
8 character, amount, or legal status of the alleged debt;  
9

10 (d) Defendant violated 15 U.S.C. § 1692(e)(5) by threatening to take  
11 action that the Defendant does not intend to take and/or the Defendant cannot  
12 legally take;  
13

14 (e) Defendant violated §1692(e)(10) of the FDCPA by using false  
15 representation or deceptive means in connection with the collection of the alleged  
16 debt; and  
17

18 (f) Defendant violated §1692(f) of the FDCPA by using unfair or  
19 unconscionable means in connection with the collection of an alleged debt.  
20

21 19. Defendant's acts as described above were done intentionally with the  
22 purpose of coercing Plaintiff to pay the alleged debt.  
23

24 20. As a result of the foregoing violations of the FDCPA, Defendant is  
25 liable to Plaintiff for declaratory judgment that Defendant's conduct violated the  
26 FDCPA, actual damages, statutory damages, and costs and attorney fees.  
27  
28

1                                   **VI. SECOND CAUSE OF ACTION**

2                   **(Violation of the Rosenthal Fair Debt Collection Practices Act,**  
3                                   **CAL. CIV. CODE § 1788)**

4           21. Plaintiff incorporates by reference all of the above paragraphs of this  
5 Complaint as though fully stated herein.

6           22. Defendant violated the RFDCPA. Defendant's violations include,  
7 but are not limited to, the following:

8           (a) Defendant violated Cal. Civ. Code § 1788.10(f) by threatening to  
9 take any action against the Plaintiff prohibited by this title;

10           (b) Defendant violated Cal. Civ. Code § 1788.11(c) by communicating  
11 with the Plaintiff with such frequency as to be unreasonable and to constitute  
12 harassment; and  
13

14           (c) Defendant violated Cal. Civ. Code § 1788.17 by collecting or  
15 attempting to collect a consumer debt without complying with the provisions of  
16 Sections 1692(b) to 1692(j), inclusive, of . . . Title 15 of the United States Code  
17 (Fair Debt Collection Practices Act):  
18

19           (i) Defendant violated Cal. Civ. Code § 1788.17 by violating 15 U.S.C.  
20 § 1692(d) by engaging in conduct, the natural consequence of which is to harass,  
21 oppress or abuse any person in connection with the collection of the alleged debt;  
22  
23  
24  
25  
26  
27  
28



1 (ii) Defendant violated Cal. Civ. Code § 1788.17 by violating 15 U.S.C.  
2 § 1692(e) by using false, deceptive, or misleading representation or means in  
3 connection with the collection of the alleged debt;  
4

5 (iii) Defendant violated Cal Civ. Code § 1788.17 by violating 15 U.S.C.  
6 § 1692(e)(2) by misrepresenting the character, amount, or legal status of the  
7 alleged debt in connection with the collection attempts;  
8

9 (iv) Defendant violated Cal. Civ. Code § 1788.17 by violating 15 U.S.C.  
10 § 1692(e)(5) by threatening to take action that the Defendant does not intend to  
11 take and/or the Defendant cannot legally take;  
12

13 (v) Defendant violated Cal. Civ. Code § 1788.17 by violating 15 U.S.C.  
14 § 1692(e)(10) of the FDCPA by using false representation or deceptive means in  
15 connection with the collection of the alleged debt; and  
16  
17

18 (vi) Defendant violated Cal. Civ. Code § 1788.17 by violating 15 U.S.C.  
19 § 1692(f) of the FDCPA by using unfair or unconscionable means in connection  
20 with the collection of an alleged debt.  
21

22 23. Defendant's acts, as described above, were done intentionally with  
23 the purpose of coercing Plaintiff to pay the alleged debt.  
24

25 24. As a result of the foregoing violations of the RFDCPA, Defendant is  
26 liable to Plaintiff for actual damages, statutory damages, and attorney's fees and  
27 costs.  
28



**VII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for the following:

- (a) Declaratory judgment that Defendant's conduct violated the FDCPA and RFDCPA;
- (b) Actual damages pursuant to 15 U.S.C. § 1692(k)(a)(1) and Cal. Civ. Code § 1788.30(a);
- (c) Statutory damages pursuant to 15 U.S.C. § 1692(k) and Cal. Civ. Code § 1788.30(b);
- (d) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k) and Cal. Civ. Code § 1788.30(c);
- (e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law; and
- (f) For such other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED,

DATED: February 13, 2014

**PRICE LAW GROUP APC**

By: \_\_\_\_\_



G. Thomas Martin, III  
Attorney for Plaintiff

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, BRIAN POIRIER, demands trial by jury in this action.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Jesus G. Bernal and the assigned Magistrate Judge is Sheri Pym.

The case number on all documents filed with the Court should read as follows:

EDCV14-296 JGB(SP~~x~~)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

February 18, 2014

Date

By Angelique Dominguez  
Deputy Clerk

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Western Division<br>312 N. Spring Street, G-8<br>Los Angeles, CA 90012 | <input type="checkbox"/> Southern Division<br>411 West Fourth St., Ste 1053<br>Santa Ana, CA 92701 | <input checked="" type="checkbox"/> Eastern Division<br>3470 Twelfth Street, Room 134<br>Riverside, CA 92501 |
|---|--|--|

**Failure to file at the proper location will result in your documents being returned to you.**

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

BRIAN POIRIER,

*Plaintiff*

v.

CMRE FINANCIAL SERVICES, INC.; a domestic  
corporation and DOES 1 to 10, inclusive,

*Defendant*

)  
) **ED CV 14 - 00296** JGB  
) Civil Action No. SPx  
)  
)  
)  
)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* CMRE FINANCIAL SERVICES, INC.  
3075 East Imperial Highway, Suite 200  
Brea, California, 92821

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

G. Thomas Martin, III, Esq. (SBN 218456)  
PRICE LAW GROUP, APC  
15760 Ventura Blvd., Suite 1100  
Encino, CA 91436  
T: (818) 907-2030; F: (866) 397-2030  
tom@plglawfirm.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

TERRY NAFISI

CLERK OF COURT

Date: FEB 18 2014

*Andres Lopez*  
Deputy Clerk



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself ☐ )

BRIAN POIRIER,

**DEFENDANTS** ( Check box if you are representing yourself ☐ )

CMRE FINANCIAL SERVICES, INC.; a domestic corporation and DOES 1 to 10, inclusive,

(b) County of Residence of First Listed Plaintiff Riverside

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Los Angeles

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

G. Thomas Martin, III, Esq.  
PRICE LAW GROUP, APC  
15760 Ventura Blvd., Suite 1100, Encino, CA 91436  
T: (818) 907-2030; F: (866) 397-2030

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff  
☒ 3. Federal Question (U.S. Government Not a Party)  
☐ 2. U.S. Government Defendant  
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**-For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant)

- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1. Original Proceeding  
☐ 2. Removed from State Court  
☐ 3. Remanded from Appellate Court  
☐ 4. Reinstated or Reopened  
☐ 5. Transferred from Another District (Specify)  
☐ 6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ according to proof**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 U.S.C. § 1692 et seq. Unlawful Debt Collection Practices

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY/RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input checked="" type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<b>LABOR</b>	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 751 Family and Medical Leave Act	
				<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

ED CV 14 - 00296 JGB SPx

CV-71 (11/13)

CIVIL COVER SHEET

Page 1 of 3



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF? Then check the box below for the county in which the majority of DEFENDANTS reside.	A DEFENDANT? Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**C.1. Is either of the following true? If so, check the one that applies:**

- ☐ 2 or more answers in Column C  
☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the  
SOUTHERN DIVISION.  
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

**C.2. Is either of the following true? If so, check the one that applies:**

- ☒ 2 or more answers in Column D  
☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the  
EASTERN DIVISION.  
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the  
WESTERN DIVISION.  
Enter "Western" in response to Question D below.

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	EASTERN

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in **this court** and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in **this court** that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY  
(OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_

DATE: 02/06/2014

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))